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EXAMINER

TANG, KAREN C

ART UNIT PAPER NUMBER

2151

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/004,089

Applicant(s)

FISCHER, WILLIAM A.

Examiner

Karen C. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 4/17/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17, 24-27, and 33-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 24-27 and 33-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4-10-06</u> | 6) <input type="checkbox"/> Other: _____  |

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- This action is responsive to the amendment and remarks file on 4/17/06.
- Claims 1-17, 24-27, and 33-36 are amended are for further examination.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 16, 17, 24-27 and 33-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al hereinafter Fernandez (US 6,697,103) in view of Kelly et al (US 6,138,168) hereinafter Kelly in further view of Chen et al hereinafter Chen (US 6,195,694).

1. Referring to Claim 1, Fernandez disclosed a method of configuring a user interface of computer-assisted equipment (4, refer to Fig 2 and Col 5, Lines 1-60) according to a service program, comprising the steps of: said computer-assisted equipment transmitting (46, refer to Fig 2, and Col 5) a message to a remote computer (server, refer to Col 5), said determining being based on said message (java applets, refer to Col 5, Lines 13-17), and said remote computer transmitting said service program to said computer assisted equipment (refer to Col 5, Lines 1-20);

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and said computer – assisted equipment configuring the user interface of said computer-assisted equipment (it is well know that the applet provides the configuration i.e. configuring the user interface once being downloaded, refer to Col 5).

Fernandez disclosed said remote computer conveying at least one interface instruction that allows said computer-assisted equipment to cooperate with said remote computer in accordance with said service program (refer to Col 6, Lines 50-67 and Col 7, 8, and 9).

Fernandez does not expressly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment.

Kelly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment (refer to Col 3, Lines 15-55, Col 4, Lines 8-25)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ideas Fernandez and Kelly because both inventions is utilizing for electronic transaction processing (refer to Col 8 in Fernandez).

The suggestion/motivation for doing so would have been Fernandez indicated there are communication between the remote computer and computer-assisted equipment (refer to Col 10, Lines 50-67) and by providing methods of determining the suitability of the software on the computer-assisted equipment, it reduce the chance and trouble of software incompatibility.

Neither Fernandez nor Kelly disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment.

Chen disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment (refer to Col 6, Lines 20-45).

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At the time of the invention, it would have been obvious of ordinary skill in the art to combine Fernandez, Kelly and Chen since the inventions are analogous.

The suggestion/motivation would have been that by providing the collaboration process, which is providing ways to configure the computer assisted equipment, it provides dynamic capability when there are updates available for the equipment. Manufactory or owners of the equipments does not have to spend large sum of money to purchase a updated version of equipments.

2. Referring to Claim 33, Fernandez disclosed one or more computer-readable media having computer-readable instructions thereon which, when executed by a computer (refer to Col 2, Lines 65-67 and Col 3, Lines 1-30), cause the computer to perform a method comprising the steps of:

receiving a service query from a computer-assisted appliance (Col 6, Lines 50-67), said service program configuring the interface of said computer-assisted appliance (refer to Col 5, Lines 1-35, and Col 6, Lines 40-50),

and receiving information from said computer-assisted appliance (refer to Col 5, Lines 35-60), said information being conveyed from said interface and resulting from a user interacting with said interface (it is well know that the applet provides the configuration i.e configuring the user interface once being downloaded, refer to Col 5, Col 6, Lines 50-67 and Col 8, Lines 1-11).

Fernandez does not expressly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment.

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Kelly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment (refer to Col 3, Lines 15-55, Col 4, Lines 8-25)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ideas Fernandez and Kelly because both inventions is utilizing for electronic transaction processing (refer to Col 8 in Fernandez).

The suggestion/motivation for doing so would have been Fernandez indicated there are communication between the remote computer and computer-assisted equipment (refer to Col 10, Lines 50-67) and by providing methods of determining the suitability of the software on the computer-assisted equipment, it reduce the chance and trouble of software incompatibility.

Neither Fernandez nor Kelly disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment.

Chen disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment (refer to Col 6, Lines 20-45).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Fernandez, Kelly and Chen since the inventions are analogous.

The suggestion/motivation would have been that by providing the collaboration process, which is providing ways to configure the computer assisted equipment, it provides dynamic capability when there are updates available for the equipment. Manufactory or owners of the equipments does not have to spend large sum of money to purchase a updated version of equipments.

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3. Referring to Claim 24, Fernandez disclosed in a remote computer (6), a method for cooperating with computer- assisted equipment (4, refer to Fig 2), comprising the steps of: receiving a request for service from said computer-assisted equipment (refer to Col 5, Lines 60-67).

transmitting said interface instruction to said computer-assisted appliance (refer to Col 8, Lines 1-30);

Fernandez disclosed said interface instruction that allows said computer-assisted equipment to cooperate with said remote computer in accordance with said service program (refer to Col 6, Lines 50-67 and Col 7, 8, and 9)

cooperating with said computer assisted appliance in accordance with said service program (Col 8, and Col 9, Lines 1-10), wherein said service program configures the user interface of said computer-assisted equipment (it is well know that the applet provides the configuration i.e. configuring the user interface once being downloaded, refer to Col 5, and 3 ).

Fernandez does not expressly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment.

Kelly disclosed the computer determine that service program available on the computer is suitable for usage with computer assisted equipment (refer to Col 3, Lines 15-55, Col 4, Lines 8-25)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the ideas Fernandez and Kelly because both inventions is utilizing for electronic transaction processing (refer to Col 8 in Fernandez).

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The suggestion/motivation for doing so would have been Fernandez indicated there are communication between the remote computer and computer-assisted equipment (refer to Col 10, Lines 50-67) and by providing methods of determining the suitability of the software on the computer-assisted equipment, it reduce the chance and trouble of software incompatibility.

Neither Fernandez nor Kelly disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment.

Chen disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment (refer to Col 6, Lines 20-45).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Fernandez, Kelly and Chen since the inventions are analogous.

The suggestion/motivation would have been that by providing the collaboration process, which is providing ways to configure the computer assisted equipment, it provides dynamic capability when there are updates available for the equipment. Manufactory or owners of the equipments does not have to spend large sum of money to purchase a updated version of equipments.

4. Referring to Claims 2, Fernandez disclosed wherein said computer-assisted equipment provides entertainment (refer to Col 9, Lines 35-67 and Col 10 and 16).

5. Referring to Claim 3, Fernandez disclosed wherein said computer-assisted equipment is an audio reproduction system (refer to Col 10, Lines 50-61).



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6. Referring to Claim 4, Fernandez disclosed wherein said computer-assisted equipment (4, refer to Fig 2) is a remote control device (refer to Col 7, Lines 14-25) that controls functions of a video entertainment system (refer to Col 7, Lines 5-15), said video entertainment system receiving content from said remote computer (refer to Col 10, Lines 15-25).

7. Referring to Claim 5, Fernandez disclosed wherein said determining step includes said remote computer informing said computer-assisted equipment (4, refer to Fig 2) that at least one additional service program is available (refer to Col 10, Lines 15-25), said computer-assisted equipment selecting from among said service program and said at least one additional service program (refer to Col 10, Lines 25-35).

8. Referring to Claim 6, Fernandez disclosed additionally comprising said remote computer (6) receiving a selection from said computer-assisted equipment (4, refer to Fig 2), said selection indicating which of said service program and said at least one additional service program a user has selected (refer to Col 10, Lines 25-36).

9. Referring to Claim 7, Fernandez disclosed wherein said remote computer (6, Fig 2) is a general- purpose computer (refer to Col 8, Lines 20-30).

10. Referring to Claim 8, Fernandez disclosed wherein said message (communication) is a service request that indicates that said computer-assisted equipment (4, refer to Fig 2) is ready to

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operate cooperatively with said remote computer (6, Fig 2, and refer to Col 5, Lines 60-67 and Col 6, Lines 1-60).

11. Referring to Claim 9, Fernandez disclosed further comprising said remote computer (6, refer to Fig 2) transmitting content to said computer-assisted equipment (4, refer to Fig 2) under the control of said service program (refer to Col 6, Lines 40-60).

12. Referring to Claim 10, Fernandez disclosed in a computer-assisted appliance (4, refer to Fig 2), a method for interacting with a remote computer that executes a service program (refer to Col 5, Lines 60-67), comprising the steps of: transmitting a service request to said remote computer (communication 161 and mapping information 162), receiving an interface instruction that allows said computer-assisted equipment to cooperate with said remote computer in accordance with said service program (refer to Col 6, Lines 50-67 and Col 7, 8, and 9); and transmitting a user input to said remote computer in accordance with said interface instruction (user instruction, refer to Col 6, Lines 50-67), and receiving content from said remote computer in response to said interface instruction (provide data, report information, 168, refer to Col 6, Lines 1-5) and said computer-assisted appliance configuring the user interface of the computer-assisted appliance (it is well know that the applet provides the configuration i.e configuring the user interface once being downloaded, refer to Col 5, and Col 3),

Neither Fernandez nor Kelly disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment.

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Chen disclosed wherein said service program programs one or more selectors located on a surface of the computer-assisted equipment (refer to Col 6, Lines 20-45).

At the time of the invention, it would have been obvious of ordinary skill in the art to combine Fernandez, Kelly and Chen since the inventions are analogous.

The suggestion/motivation would have been that by providing the collaboration process, which is providing ways to configure the computer assisted equipment, it provides dynamic capability when there are updates available for the equipment. Manufactory or owners of the equipments does not have to spend large sum of money to purchase a updated version of equipments.

13. Referring to Claim 12, Fernandez disclosed wherein said remote computer is one of a portable and a desktop computing device (refer to Col 8, Lines 20-30).

14. Referring to Claim 13, Fernandez disclosed wherein said appliance is an audio system (refer to Col 7, Lines 5-15) that conveys music, and wherein said content includes a music file (audio information, refer to Col 11, Lines 30-35 and Col 14, Lines 45-60).

15. Referring to Claim 11, Fernandez disclosed wherein said service request includes an indication that said computer-assisted appliance (4, refer to Fig 2) is available and is ready to receive said service program (66, refer to Fig 2).

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16. Referring to Claim 25, Fernandez disclosed wherein said determining step includes receiving a selection as to which service program (web site) has been selected (refer to Col 9, Lines 1-10) by a user of said computer-assisted equipment (4, refer to Fig 2).

17. Referring to Claim 16, Fernandez disclosed wherein said service program (66, refer to Col 5, Lines 60-67) influences the function of a display located on said computer-assisted appliance (4, refer to Fig 2 and Col 8, Lines 1-12).

18. Referring to Claim 17, Fernandez disclosed wherein said service program (66, refer to Col 5, Lines 60-67) influences a function of a remote control device (6, refer to Fig 2) used to control an entertainment device (4, refer to Fig 2).

19. Referring to Claim 26, Fernandez disclosed wherein said remote computer (6, refer to Fig 2) is interfaced to a network and wherein said remote computer communicates with a network location available on said network (refer to Col 2, Lines 22- 51, and Col 15, Lines 1-31).

20. Referring to Claim 27, Fernandez disclosed wherein said transmitting step is accomplished by way of transmitting said interface instruction using a wireless interface (cellular phone is a wireless device which consists of a wireless interface, refer to Col 8, Lines 1-20).

21. Referring to Claim 34, Fernandez disclosed one or more computer-readable media (Internet Browser, refer to Col 8, Line 33), wherein said receiving a service query step includes receiving

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an indicator that informs said computer of a function performed by said computer-assisted appliance (refer to Col 7, Lines 45-67 and Col 8, Lines 1-45).

22. Referring to Claim 35, Fernandez disclosed one or more computer-readable media (Internet Browser, refer to Col 8, Line 33), wherein said determining step includes said computer searching through a list of service programs (Fernandez indicates that the computer has ability search through a list of websites, which is a list of service programs refer to Col 9, Lines 1-10).

23. Referring to Claim 36, Fernandez disclosed one or more computer-readable media (Internet Browser, refer to Col 8, Line 33), wherein said method further comprises said computer-assisted appliance prompting said user for said input (refer to Col 8, Lines 1-11).

*Claim Rejections - 35 USC § 103*

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fernandez et al hereinafter Fernandez in view of in view of Kelly et al (US 6,138,168) hereinafter Kelly in further view of Chen et al hereinafter Chen (US 6,195,694) and Murakoshi et al (US 6,850,971) hereinafter Murakoshi.

1. Referring to Claim 14, Fernandez disclosed indicates the user input (refer to Col 8, Lines 1-11)

Fernandez, Kelly, nor Chen expressly indicate input is a selection of a title of said music file.

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Murakoshi disclosed a selection of a title of said music file (refer to Col 8, Lines 44-67 and Col 9, Lines 1-10)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fernandez, Kelly, Chen and Murakoshi by implement a selection of a title music file.

The suggestion and motivation for doing so would have been that Fernandez indicates the remote computer (6) would receive data music (refer to Col 14, Lines 45-60). By providing such a service to user, it would be provides a variety of choice for users that users can choose the desired files.

2. Referring to Claim 15, Fernandez disclosed wherein said service program (66) includes instructions (executable) that enable (refer to Col 5, Lines 60-67) said audio system (refer to Col 7, Lines 5-15).

Fernandez, Kelly, nor Chen expressly expressly indicate a selection of a title of said music file.

Murakoshi disclosed a selection of a title of said music file (refer to Col 8, Lines 44-67 and Col 9, Lines 1-10)

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine Fernandez, Kelly, Chen and Murakoshi by implement a selection of a title music file.

The suggestion and motivation for doing so would have been that Fernandez indicates the remote computer (6) would receive data music (refer to Col 14, Lines 45-60). By providing such a service to user, it would be provides a variety of choice for users that users can choose the desired files.

*Response to Arguments*

Applicant's arguments with respect to claims 1-17, 24-27, and 33-36 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen C. Tang whose telephone number is (571)272-3116. The examiner can normally be reached on M-F 7 - 3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571)272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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KT

Khanh Dinh  
Primary Examiner